



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,654	10/24/2003	Jeffery Wayne Henry	5898-00100	9661
35690	7590	12/07/2004	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,654

Applicant(s)

HENRY ET AL.

Examiner

Kien T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 4, 13, 14, 19, 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9-12, 15-18, 23-26, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/15/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3714

Election/Restrictions

Applicant's election of Group 3 drawn to Fig. 3 (claims 1-30) in the reply filed on 09/23/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). However, the Examiner disagreed with the election of claims 13, 14, 27, and 28 drawn to a water lock system because Fig. 3 does not include any showing of any water lock system and the specification also does not indicate any water lock system specifically in Fig. 3. Accordingly, claims 13, 14, 27, and 28 are withdrawn from consideration as being non-elected species.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-12, 16-18, 23-26, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis U.S. Patent 5,433,671.

Davis disclosed a water amusement system comprising a first amusement ride (32); a second amusement ride (20); an elevation (50) configured to convey at least one flexible inflated vehicle (42) from an exit point (53a) of the first water amusement ride to an entry point (22) of the second water amusement ride, Fig. 1 shows the exit point (53a) of the first ride and entry point of the second ride are at different elevation levels; an exit point (24) of the second ride and an entry point of the first ride (32) (not

Art Unit: 3714

numbered) are coupled (applicant's claims 1, 5, 16). The elevation system is a spiral transport device (applicant's claims 3, and 18). The elevation system rotates about shaft (6) and such features could reasonably be characterized as a water wheel (applicant's claims 4, 19) A floating queue line (30) coupled to the entry point of the second ride, the queue line comprising a line channel configured to hold water at a depth sufficient to allow a flexible inflated vehicle to float within the line channel as shown in Fig. 1 during use, the queue line is coupled to the water ride such that the vehicle remains in the water while being transferred from the channel along the line to the water ride (applicant's claims 9, 10, 23, and 24). The elevation system is reasonably be characterized as an uphill water slide since it contains water to support the vehicle as shown in Fig. 1 (applicant's claims 11, 12, 25, and 26). The disclosure of Davis clearly meets all of the steps of the method of transporting participants in a water amusement system as set forth in claim 30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Brodrick, Sr. U.S. Patent 5,167,321.

It is noted that the elevation system of Davis is not a conveyor belt system as set forth therein. However, such conveyor belt system is very well known in the art as

Art Unit: 3714

evidenced by conveying system having a conveyor belt (5) for transporting an inflatable raft. Therefore, it would have been obvious to one of ordinary skill in the art to modify the elevation system of Davis with a conveyor belt system as taught by Brodrick, Sr. for the purpose of providing alternate method transporting the ride vehicles to better entertain the users.

Allowable Subject Matter

Claims 6-8, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/693,654

Page 5

Art Unit: 3714

A handwritten signature in black ink, appearing to read 'Kien T. Nguyen', written in a cursive style.

Kien T. Nguyen
Primary Examiner
Art Unit 3714

Ktn